# WREXHAM COUNTY BOROUGH COUNCIL PLANNING COMMITTEE MEETING OF 28 JULY 2003

## ADDENDUM

## REPORT OF CHIEF PLANNING OFFICER

This report summarises information received since the Agenda was compiled including, as appropriate, suggested amendments to recommendations in the light of that information. It also lists those people wishing to address the Committee.

**Where the Council has received a request to address the Committee, the applications concerned will be considered first in the order indicated in the table below. The remaining applications will then be considered in the order shown on the original agenda unless indicated by the Chair.**

## ITEM 2 - (ii) MINUTES OF 18 JULY COMMITTEE

## ITEM B – RHO P/2003//0546

**Proposal**
Following the meeting, further revised plans have been submitted which closely reflect the scheme approved in 1996. The objector mentioned in the report, did previously object about the height of the extension and has been advised that the application is to be reported back today.

**Observations**
The previous objection was considered and permission was granted. There are no material changes in circumstances and I believe the revised proposal should now be approved.

**Recommendation**
Permit as previous report.

## ITEM 3 - DEVELOPMENT CONTROL APPLICATIONS

**Revised order of Agenda items.**

| Pages | Ward | Planning Ref | Speaker against | Speaker for |
|---|---|---|---|---|
| 9 – 12 | LGC | P/2003/0111 | | X |
| 19 – 23 | HOL | P/2003/0425 | X | |
| 24 – 27 | ABE | P/2003/0483 | | X |
| 28 – 32 | HOL | P/2003/0493 | | X |
| 33 – 35 | HOL | P/2003/0494 | | X |
| 41 – 45 | GWE | P//2003//0515 | | X |
| 102 – 106 | CEF | P//2003/0687 | X | X |
| 115 – 118 | CEF | P//2003/0705 | X | |

**PAGES 36 – 40 SES P/2003/0509**

**Applicant's Submission**
The applicant has amended the plans to locate the dwelling more centrally and has lowered the height of the proposed garage.

**Observations**
I am satisfied that the amendments are appropriate and will ensure the proposal complements the streetscene whilst not compromising residential amenity. I have added two additional notes and have carried out additional consultation with neighbouring properties and I am now requesting delegated powers to deal with the application once the consultation period has expired and my recommended is now in two parts:-

**Recommendation**
RECOMMENDATION A
That the Chief Planning Officer be authorised to deal with the application in accordance with Recommendation B after the expiry of the additional consultation on 11 August 2003 providing no new issues are raised as a result of the consultation.

RECOMMENDATION B
That planning permission be granted subject to the conditions attached to the original report and the notes below:
Additional Notes:-
Your attention is drawn to Highway Supplement Notes numbered 1, 3, 4, and 5 on the enclosed "Applicants' Rights and General Information".

The construction of the footway will require works to be undertaken within the highway and the applicant is advised that he will need to enter into a formal agreement with the Council as Highway Authority in order to legally carry out the works.

**PAGES 46 – 54 WRA P/2003/0538**

**Consultations**
Further letter stating that the legality of any decision made at this stage must be questionable. It is considered that the development falls within a Schedule 2 development (a leisure development exceeding 0.5ha) and will require an Environmental Impact Assessment. It is confirmed that consideration should be given to the cumulative effect of the development together with the redevelopment of St Davids School, and the multi use facilities, the size of the cumulative development, the size of the affected population, the size of the impact, the probability of the impact from traffic, noise and visual intrusion, and duration, frequency and irreversibility of the impacts. An environmental statement has not been submitted with the application and therefore the Authority is prohibited from granting planning permission.

**Observations**
Although the size of the development is over 0.5ha, the development does not require an Environmental Impact Assessment. The development complies with the Development Plan, and it does not have more than local significance. The area is not within an environmental sensitive location, or involves potential hazards. Furthermore the pitch is within the established playing field area of the site, and the use is principally the same, albeit the use will be extended to allow community (or leisure) usage. It is also noted that the school is used for educational uses in the evening and therefore educational use is not just confined to normal school hours. Likewise the use of the sports hall, swimming pool and the pitch will not be strictly limited to leisure use, as

these facilities, as these could be used for training purposes. The cumulative nature of the developments are still intended to be ancillary to the principal educational function of the site.

**Recommendation**

The recommendation in the printed reports relates to an earlier application. Please substitute the following conditions:

1 The development hereby permitted shall be begun before the expiry of five years from the date of this permission. (Reason: To comply with Section 91(3) of the Town and Country Planning Act 1990.

2 The floodlights hereby approved shall be fitted with an automatic timer and shall not operate between the hours of 21.15 to 08.00 on any day. (Reason: To protect the amenities of nearby residents).

3 The floodlights shall be provided with baffles and hoods to minimise glare to surrounding areas. Details of these shall be agreed, in writing, by the Local Planning Authority, before the floodlights are brought into use and shall thereafter be retained as approved. (Reason: To protect the amenities of nearby residents).

4 The floodlights hereby approved shall not give light levels any higher than 10 Ev (Vertical illuminance in Lux) to any habitable room window at adjacent residential property. (Reason: To protect the amenities of nearby residents).

5 Before development commences, full details of soft landscape works to enable screening of the all-weather pitch/fencing/light columns shall be submitted to and approved, in writing, by the Local Planning Authority. The works shall be implemented in accordance with a timescale to be approved in conjunction with the scheme of details. (Reason: In the interests of the visual amenities of the area).

**PAGES 69 – 71 COE P/2003/0580**

**Consultations**

Cllr M Davies (revised observations): if use restricted to residential or agriculture no objections.

**Recommendation**

Amend Condition 2 - insert after "dwellinghouse or for agricultural purposes on the adjoining land and for no other purpose."

**PAGES 72 – 75 ISY P/2003/0615**

**Consultations**

*CPPO:* Concerns re noise, litter, dust, fire risk, odour, vermin, suggests additional conditions. A noise impact assessment would have been worthwhile.

**Recommendation**

Add Conditions:-

8 Prior to commencement of development, a noise impact assessment and management plan shall be submitted to and approved, in writing, by the Local Planning Authority. Development shall only be carried out in accordance with the plan as approved which shall provide that levels are limited to 5dB(A) above the pre-existing background levels. (Reason: To protect amenity of nearby residents).

9 The bulking-up facility shall only operate between the hours of 0800 – 1700 hours (Monday to Friday and only Saturdays immediately preceding or following a Bank Holiday).

**REPORT OF THE CHIEF PLANNING OFFICER – Date 28th July 2003**

**APPLICATION NO:**
P/2003/0538

**COMMUNITY:**
Acton

**WARD:**
Rhosnesni

**LOCATION:**
Existing St David's School (to become Rhosnesni High School) Rhosnesni Lane Wrexham

**DESCRIPTION:**
Floodlit all weather pitch and new grass pitches layout

**APPLICANT(S) NAME:**
Wrexham County Borough Council

**DATE RECEIVED:**
09/05/2003

**CASE OFFICER:**
JM

**AGENT NAME:**
Mr P E Jones
Wrexham County Borough Council

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This application was deferred at the last Planning Committee, because Members were concerned about the impact upon the locality given the hours of use, in comparison with other pitches in the area, and the restricted use as a school.

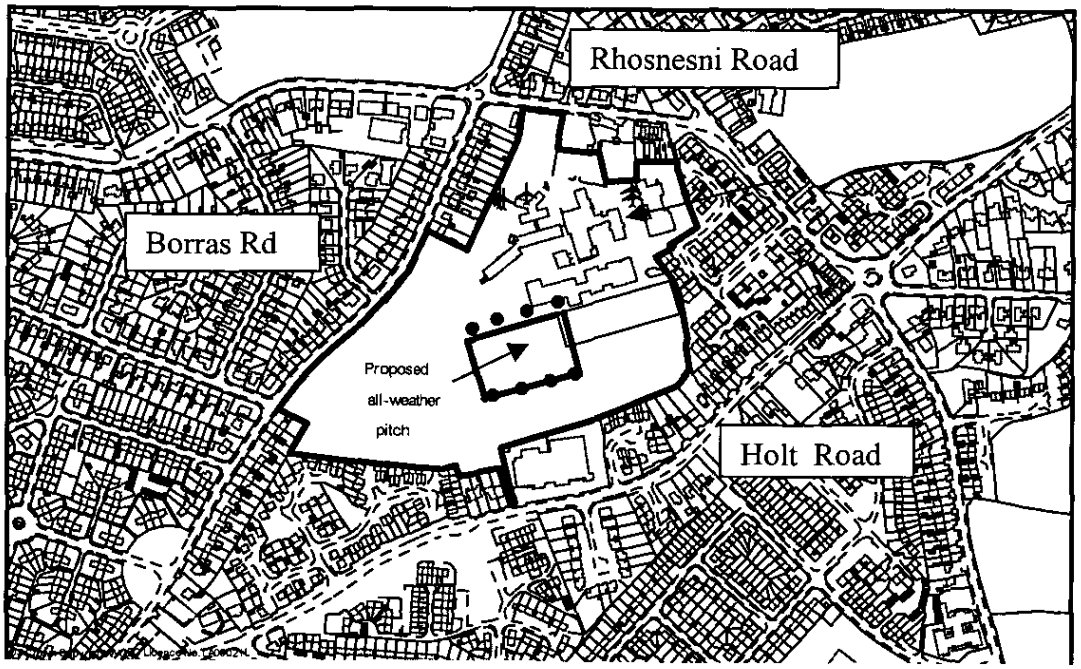
My original report is appended below in Section 1, and will include all addendum items if any were received.
Further matters following the deferment will be reported in Section 2, before the recommendation.

Any revised consultation responses are highlighted in Section 1 with an asterisk, and further comments will be reported in Section 2.

## Section 1

### THE SITE

The site is located off Rhosnesni Lane, with frontages with Borras Road, and backs onto properties in Halstonwood Close, Bickleywood Drive, Cooper Close and Holt Road.



## PROPOSAL

Floodlit all weather pitch and new grass pitches layout. The plans indicate an all weather pitch (measuring 92m x 56m) with surrounding fencing (black 'anthracite') located 4m outside the perimeter of the pitch, to be between 1.2m to 5m high. Eight floodlights are proposed, to be 15m high, and in total 32 lights will be required to enable the pitch to have an average horizontal illumination of not less than 350 lux. Lighting times have been confirmed, and will not operate between the hours of 21.15 to 0800 on any day.

## HISTORY

P/2003/0537 Extensions and alterations – see previous agenda item.

## DEVELOPMENT PLAN

The site lies within/outside the settlement limits as defined in Wrexham Maelor Local Plan and Wrexham Unitary Development Plan. Policies S1, S4 of WMLP are applicable. Little weight can be attached to Policy GDP1 of the UDP since objections have been received.

## CONSULTATIONS

| | |
|---|---|
| Community Council: | (Acton CC) Objects. The floodlighting will have a detrimental effect on neighbouring properties in Borras Road and Holt Road. There is not a need for floodlights. An environmental impact study, and noise assessment is required. |
| Adjoining CC | (Caia Pk) application supported |
| Local Member: | Cllr Vickers has raised concerns |
| Adjoining LMS | Cllr Stubbs – objects. Loss of amenity to residents. Noise and light pollution.<br>Cllrs Crisp & Prince notified 21/05/03. |
| Public Protection: | Important to minimise light spillage from the floodlights due to the close proximity of residential property. Following guidelines from the Installation of Lighting Engineers for a Zone E3 area (medium district brightness for example an urban location) it is recommended that the light levels are imposed. That is, 'maximum light to any window of a habitable part of any neighbouring residential property should not exceed 10 Ev (Vertical illuminance in Lux) whilst the floodlighting is in operation.' The hours of operation should also be controlled |
| Site Notice: | Expired 11.6.03 |
| 70 Adjoining occupiers: | 40 letters received (including some letters received in connection with the application of P/2003/0537) raising the following: |

1. The all weather pitch will increase the nuisance caused by parked vehicles, and additional traffic. Traffic calming should be introduced.
2. The lights will mean that curtains will need to be prematurely drawn in order to shut out the powerful illumination. Light and glare pollution will be caused.
3. Why is there a need for floodlighting when school finishes at 3.20pm?
4. Loss of privacy
5. The lights will be out of scale and character with the appearance of the area.
6. Noise can be heard from the Rhosnesni pitch, and this is a lot further away than the proposed St David's pitch.
7. Residents will be forced to improve the sound and light insulation standards of own homes, and this will be a burden.
8. Further information is required to confirm the design, dimensions, lighting type and direction of the lights, the use, hours of use, light levels, the operator, security measures to prevent unauthorised and misuse. This information must be known for discussion and viewing. Independent valuations will be undertaken prior to, and following the completion of the development.
9. The pitch will be used at unsociable hours.
10. Peace and quiet of the area will be affected.
11. Details are limited. The colour of the pitch has not been submitted.
12. It is well documented that nuisance from outdoor sport facilities have the potential to affect residents up to 400m away. Shouting (including foul language) from Sunday morning matches illustrates how far noise travels, and the annoyance it causes.
13. No landscaping is proposed.
14. The appearance of the columns and pitch will be unsightly, affecting the visual amenities of the area.
15. Increased traffic and congestion along Rhosnesni Lane and Borras Road during evenings and weekends.

9 adjoining occupiers: Re-notified - 3 letters received, raising the following:

1. The facility is not necessary after 7pm.
2. The Queensway complex is underutilised.
3. A seven day facility is not required.
4. It will cause physical, mental and spiritual damage.
5. The relocation of the football pitches will be too close to Borras Road. Safety concerns will arise.

## SPECIAL CONSIDERATIONS/ ISSUES

**Policy:** In accordance with Policy S4 of the Local Plan, all developments should not materially detrimentally affect the amenity of local residents. As a result, issues relating to noise and disturbance from the all weather pitch and visual impact of the floodlighting, are important amenity issues for this application. In general however, these effects must be considered in relation to benefits that the principle of improved educational and sporting facilities for the wider community. Principally the use of the pitch is related to education, and therefore the ancillary uses are not objectionable providing policy S4 can be satisfied.

In respect of national guidance on such developments, it is important to consider National Assembly for Wales Policy Guidance, specifically Technical Advice Notes – TAN 16: Sport and Recreation. Within that document it is recognised that some sporting activities have the potential to cause noise and therefore their location will need to be chosen to limit the impact upon local residents. It is suggested that it might be possible to locate them adjacent to existing noise generators, such as a main road, or in locations screened by banks and trees.

In respect of sport and floodlighting, TAN16 acknowledges that floodlit sport facilities may greatly increase the benefits to a number of sports and make the facility viable. But where there are concerns about the impact upon amenity and the environment, there is scope to limit the hours during which the lights may be switched on, or requiring the installation to have some sort of shielding.

**Noise:** The proposed pitch area is 50m from the nearest Holt Road property, 72m from the nearest Halstonwood Close property, 102m from the nearest property in Coopers Close, and 90m from the Borras Road boundary. It is accepted that the use is likely to cause some noise disturbance for some residents, particularly as noise nuisance can be subjective effect. Public Protection however, has not raised any objections to this aspect of the scheme, although they recommend that some controls be placed on the hours of usage. There is also some scope to consider some additional landscaping or fencing. Fencing may have some benefit, but this will have a visual impact for residents – who currently have an open view across the open area. Landscaping is more desirable for the longer term but will have minimal impact in reducing noise. I do not consider it is essential if the hours of use are strictly limited.

As part of some of the letters received by residents, it was claimed that nuisance from outdoor sport facilities can affect residents up to 400m away, and this information is "well documented". I have requested clarification regarding the source of this information, and if this is a material consideration, this will be reported in the addendum. *[Information has now been received in connection with this matter, and it has been confirmed that the source of this information is the Chester District Local Plan (Deposit). As part of policy proposal SR13 of the Plan, it was recommended that noisy/environmentally intrusive recreational activity should not be within 400m of a significant number of dwellings. The Local Plan Inquiry Inspector has not supported this policy as this was considered to be unduly restrictive, and as a consequence, this policy is unlikely to become part of the Plan].*

**Illumination:** Illumination of the pitch is intended to give average luminance of 350 lux, but light spillage is intended to be less than 1 lux at the nearest boundary. (I understand that a street light is typically 8 lux). A light contour plan has been submitted to verify light spillage across the field, and it would appear that no residential properties are affected excessive lightspill. The most affected boundary is the area behind existing industrial/commercial properties in Holt Road. But in order to provide control over the light levels, Public Protection have requested the inclusion of a planning condition to ensure that light levels are within acceptable tolerances. It is also likely that baffles and hoods should be considered to ensure that the light source is screened from adjacent residential properties. I further consider that some additional landscaping along the edge of the site would provide a longer-term benefit for residents, although not strictly necessary if the baffles and hoods prove effective.

**Visual impact:** The appearance of the all weather pitch is acceptable in view of its central location within the site, which will be partly set against the backdrop of the school buildings. However the columns and the fencing will have some visual impact and therefore further landscaping would be beneficial. This will have the added benefit of probably helping control the issue of noise and illumination.

**Section 2**

I have received the following information from the Chief Property Services Officer to provide supplementary information for the application.

## PROPOSAL

Supplementary information

The application is for a dual use, school and community, all weather pitch with floodlights, to enable community use to be extended into the evenings, especially in winter.

This proposal is in line with present Council policies approved by Members:

1. Planning Strategy – Unitary Development Plan 2011 (Policy CLF3 – Para 9.4)
   - "the extension of dual community and school use of existing leisure facilities will be favoured/encouraged. The opening up of existing school facilities as dual community and school use can substantially reduce local unsatisfied recreational demand, maximise existing infrastructure and increase land use economy, and will be encouraged."
2. Sports Strategy - " it is recommended that the provision of ATPs (all weather training pitches) be made a priority for development. Ensure that any new ATP facilities are programmed to include optimum community use. Identify current sports hall sites for future developments of adjacent ATPs. Advocate the

optimum use of all school sites as being the most cost effective way of providing facilities. Closer liaison between Leisure and Education to ensure effective provision of dual use sites."

Currently, the Sports Council for Wales has a requirement that sporting facilities should be available to the community for 39 hours each week. This has generally been interpreted as 4 pm to 9 pm Monday to Friday, 9.30 am to 5 pm Saturday and 9.30 am to 4 pm Sunday. Sportlot regulations also apply to the St David's site, and it has already invested funding for the development of dual use facilities. The current NOF (New Opportunities Fund) contribution to current development proposals at this site is being developed, with Sportlot as advisors to NOF. As part of the 39 hours requirement, the floodlights will only be required at particular times of year, and at periods within those hours of availability.

Members will be aware of both the health and fitness issues and the general underachievement of sport in this country due, in part, to a lack of sporting facilities. Sedentary behaviour can also be considered a factor in current concerns over obesity. The Council's own Sports Strategy outlines the benefits to the community of participation in sport and recreation as: urban regeneration; community spirit; reduced crime; investment and economic employment and the role of sport in society.

Members have already approved floodlit all weather pitches at NEWI and at secondary schools in Rhosllanerchrugog, and Morgan Llwyd and will shortly consider applications for Penley, Clywedog and St Joseph's; the funding from these projects coming predominantly from external bodies. All sites have similar hours of operations in line with guidelines for community use. Many of the sites are, or have been, closer to boundaries with housing than this one which has been specifically located in the centre of the site furthest away from housing and opposite commercial premises at its closest boundary.

It is clearly 'Best Value' to maximise the considerable investment now being made in these facilities through school/community dual use which is clearly of benefit to the residents of the area. Access to local facilities provides enhanced opportunities for use. It should also be appreciated that current usage of similar facilities is predominantly through organised clubs, that book either a half pitch or full pitch for training and sports development. Organised football matches, involving spectators, would more normally be arranged on grass pitches in line with Welsh FA recommendations. All weather pitches are not normally used for spectator sporting activities.

To vary the times of usage for this single community facility would be inconsistent with the County Borough Council's own policy and approved opening times, granted at other sites. It should also be acknowledged that the facilities are all managed sites, with formal booking procedures, specific conditions of hiring and a code of conduct with the sanctions of exclusions.

It is not considered suitable to attempt to provide screens to shield the pitch, as this is more likely to reflect sound and would also increase visual impact. Landscaping could be developed but, again, the view of many residents at the recent open evenings held with the community was not to restrict the opportunity of residents' enjoyment in watching sports activity. At these meetings, and indeed in letters received from residents, the major concerns were over bus and car parking issues and, to a lesser extent, the all weather pitch. These issues have been addressed in responses to residents concerns and reflected in the changes to the plans now approved by Members.

For the reasons given, it is requested that Members consider the application, as presented, with this addendum note of further explanation. To maximise value from the investment and to provide facilities for the community that are fully in keeping with both local and national aims and aspirations.

If this option is not acceptable, Members are requested to consider the application with a restriction on the hours of opening confined to 7pm on weekdays and 4pm at weekends.

**SPECIAL CONSIDERATIONS/ISSUES**

**Policy:** Members are advised that the above includes a reference to the UDP. The Inspector has recommended no modification to CLF3. It can therefore be afforded substantial weight. There is no similar policy in the WMLP to compare with policy CLF3, although it should be noted that para 9.5 of the Local Plan states ..'there is a deficit provision of adult and youth playing fields in all of Wrexham Maelor's communities...the deficit is particularly severe in Wrexham.... By opening up existing school facilities as optimum use sites (community use and school use) the opportunity exists to substantially reduce unsatisfied recreational demand in the Borough.'

**Other Facilities:** Whilst the circumstances at other similar facilities are likely to be different and should not be used for direct comparison, the following information is provided to give guidance as to finishing times for floodlights:

Morgan Llwyd: 9.00pm (m-f) 6pm (sat) 4.30pm (sun)
(it should be noted that this is very much closer to housing)
Queensway: (no limits)
NEWI: 10 pm
Groves: no hours limits
Rhos Grango: 9.00 pm

In considering proposals for developments in residential areas, Public Protection Officers can provide advice as to suitable finishing times for activities likely to cause noise or other disturbance. For example construction site works could be limited to 6 – 7pm depending on the locality. I note the concerns raised by Members at the last Committee meeting about the suggestion of earlier finishing times. I have carefully read the supporting case made on behalf of the applicants (above). Whilst I accept that many of the immediately adjoining residents may not use the facility, the use is for the wider community benefit and as such longer hours may be accepted. I also note that the proposed light levels themselves are very low at the properties and it is more the noise / bad language that is the issue. This would be better dealt with through the

installation of acoustic fencing. I would be happy to for a requirement for such fencing to be included although Members should be aware of the visual impact that the fencing would have on the otherwise open area.

**Conclusion:**
I am satisfied that there is a good case for the provision of high quality sporting facilities at the school and for these to provide benefits for the community. With the safeguards contained in the conditions and with the possible inclusion of acoustic fencing the scheme is satisfactory.

**RECOMMENDATION**

That Wrexham County Borough Council RESOLVES in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992 that planning permission be granted subject to any conditions specified below.

**RECOMMENDATION That permission be GRANTED**

**CONDITION(S)**

1. The development hereby permitted shall be begun before the expiry of five years from the date of this permission.
2. Before development commences and nothwithstanding the car parking layout details shown on the approved plan, further parking layout details together with details of landscaping measures to help to screen the area from Rhosnesni Lane, shall be submitted to and approved, in writing, by the Local Planning Authority. The details, as approved, shall be fully implemented, except planting soft landscape works before the extensions are first used, and the soft landscaping measures shall be carried out in the first planting season (November to March) or seeding season (April to September) following the first use.
3. The existing hard play area at the west side of the school buildings, as indicated on the approved plans, shall not be used as a prking area for vehicles.
4. The erection of fencing for the protection of trees and shrubs shall be undertaken before any equipment, machinery or materials are brought on to the site for the purpose of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. The above mentioned fencing shall consist of 1.5 metre high chestnut paling fence or other approved fence erected at full extent of each tree and shrub. Nothing shall be stored or placed in any fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made without the written permission of the Local Planning Authority.
5. Before development commences, full details of soft landscape works to enable screening of the all-weather pitch/fencing/light columns shall be submitted to and approved, in writing, by the Local Planning Authority. The works shall be implemented in accordance with a timescale to be approved in conjunction with the scheme of details.

**REASON(S)**

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. To ensure that existing trees are afforded protection as a result of the additional parking and to ensure that the new hardsurfaced parking area is detrimental to the visual amenities of the area.
3. In the interests of the visual amenities of the area.
4. To protect trees which are of significant amenity value to the area.
5. In the interests of the visual amenities of the area.